

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**UNITED STATES OF AMERICA, ex rel. §
JOYCE RILEY §**

Plaintiffs §

vs. §

CIVIL ACTION NO. H-94-3996

**ST. LUKE’S EPISCOPAL HOSPITAL; §
DR. BRANISLAV RADOVANCEVIC; §
O. HOWARD FRAZIER, M.D.; §
SURGICAL ASSOCIATES OF TEXAS, §
P.A.; UNIVERSITY OF TEXAS §
HEALTH SCIENCE CENTER AT §
HOUSTON; BAYLOR COLLEGE OF §
MEDICINE; TEXAS HEART §
INSTITUTE; and EDWARD K. §
MASSIN, M.D. §**

Defendants §

AGREED MOTION TO DISMISS WITH PREJUDICE

Relator Joyce Riley and Defendants St. Luke’s Episcopal Hospital; Texas Heart Institute; O. Howard Frazier, M.D.; Surgical Associates of Texas, P.A.; and Edward K. Massin, M.D. (collectively, the “Parties”) have resolved all claims at issue.¹ Pursuant to Federal Rule of Civil Procedure 41, the Parties have agreed to dismiss all claims with prejudice. The United States has approved the resolution and consents to the dismissal of the claims with prejudice pursuant to 31 U.S.C. § 3730 *et seq.* Accordingly, the Parties request that the Court enter the attached Order of Dismissal with Prejudice.

¹ Defendants University of Texas Health Science Center and Baylor College of Medicine were previously dismissed from the case. Branislav Radovancevic is deceased and a Suggestion of Death was filed on his behalf.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the forgoing document was duly served on counsel via certified mail return receipt requested, facsimile or electronically through the CM/ECF System on this 19th day of October, 2009. A copy of this document was also served on the United States Government via certified mail return receipt requested, facsimile at the following address:

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Respectfully submitted,

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